

REMARKS

The above proposed amendment is presented under 37 CFR 1.116, and since the proposed amendment merely cancels the rejected claims and amends claim 3 for clarification, it is not believed to require undue consideration or further search by the Examiner. Thus, entry of the amendment is believed to be proper and is hereby requested.

Initially, Applicant respectfully acknowledges that the Examiner has allowed claims 3-9.

Claims 3-9 remain pending in the application. Claims 1-2 and 10 have been canceled.

Allowance of the pending application in view of the foregoing amendments and the following remarks is respectfully requested.

In the Official Action of April 9, 2004, claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Okazaki et al., U.S. Patent No. 6,094,537, and claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki et al. in view of Okino et al., U.S. Patent No. 4,956,715.

By the present amendment, claims 1-2 and 10 have been canceled without in any way acquiescing in the propriety of the above-noted rejection, and Applicant reserves the right to submit the same in a continuing application in their present form with no estoppel being deemed to attach thereto. Claim 3 has been amended to more clearly recite the

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control device by replacing “preforms an exposure operation to calculate” with -- calculates--.

The amendment to claim 3 has not been made to overcome a rejection based on prior art, and thus should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto.

In response to the allowable subject matter indicated in the Official Action, and to the statement of reasons for the indication of allowable subject matter therein, Applicant wishes to clarify the record with respect to the basis for the patentability of claims in the present application. In this regard, while Applicant does not disagree with the Examiner's indication that certain identified features are not disclosed by the references, Applicant submits that each of the claims in the present application recite a particular combination of features, and that the basis for patentability of each of these claims is based on the totality of the particular features recited therein.

The rejections of claim 1 under 35 U.S.C. 102(e), and claims 2 and 10 under 35 U.S.C. 103(a) are moot. It is respectfully requested, therefore, that the rejections under 35 U.S.C. 102(e) be withdrawn.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

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Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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